

Amendments to Senate Bill No. 202
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 19, 2007 (3:15pm)

1. Page 7, line 28.
Following: "shall"
Strike: "immediately"
Insert: "within 24 hours"
2. Page 10, line 6.
Following: "shall"
Strike: "immediately"
Insert: "within 24 hours"
3. Page 10, line 26.
Following: line 25
Strike: "immediately"
Insert: "within 24 hours"
4. Page 11, line 30.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections
5. Page 14, line 3 through line 5.
Following: the first "commissioner" on line 3
Strike: remainder of line 3 through the first "candidate" on line 5
6. Page 14, line 6.
Following: "equal to"
Insert: "10 times the value of"
7. Page 14, line 7 through line 12.
Following: "obligation" on line 7
Strike: remainder of line 7 through "expenditures" on line 12
8. Page 14, line 14 through line 16.
Following: "given" on line 14
Strike: remainder of line 14 through the first "candidate" on line 16
9. Page 19, line 3.
Strike: "\$300,000"
Insert: "\$1 million"

- END -

1 and \$150,000 for candidates running for the office of chief justice; and

2 (d) in an uncontested general election, \$5,000 for candidates running for the office of associate justice
3 and \$6,000 for candidates running for the office of chief justice.

4 (4) After the first election cycle in which the commissioner provides public money funding to participating
5 candidates, the commissioner shall increase all public money funding to be paid in the following election cycle
6 by an amount equal to the rate of inflation or the cost-of-living increase, whichever is more, between the previous
7 general election and the next general election, as determined by the rules of the commissioner.

8
9 **NEW SECTION. Section 12. Purpose for which public money funding may be used -- return of**
10 **unspent funds.** (1) Public money funding may be used by a participating candidate only to pay for
11 campaign-related expenses incurred in the course of a primary or general election campaign.

12 (2) Public money funding may not be expended in violation of law or for personal, family, or business
13 loans, expenditures, or debts.

14 (3) A participating candidate who does not expend all public money funding received by the participating
15 candidate shall return the unspent portion to the commissioner, who shall deposit the money into the public
16 money election campaign fund.

17
18 **NEW SECTION. Section 13. Disclosure of excess campaign contributions by nonparticipating**
19 **candidates.** (1) If a nonparticipating candidate's total campaign contributions received at any time exceed the
20 amount of public money funding provided to the nonparticipating candidate's participating candidate opponent,
21 the nonparticipating candidate shall declare to the commissioner within 48 hours of receipt every excess
22 campaign contribution, once the total excess contributions exceed \$1,500.

23 (2) The commissioner may make a determination as to whether an excess campaign contribution has
24 been made to a nonparticipating candidate based upon documentation provided by the nonparticipating
25 candidate.

26 (3) Upon receiving an excess campaign contribution declaration from a nonparticipating candidate or
27 making a determination that a nonparticipating candidate has received more in campaign contributions than a
28 participating candidate, the commissioner shall ^{within 24 hours} ~~immediately~~ provide additional public money funding to the
29 opposing participating candidate equal to the excess campaign contributions received by the nonparticipating
30 candidate, subject to the limitations provided in [section 15(5)].

(3) A person who makes or obligates an independent expenditure during the last 20 days before the end of the relevant campaign period that, when considered with other independent expenditures made by that person during the same period since the previous report to the commissioner, exceeds \$500 shall, within 24 hours of making the expenditure, report each expenditure to the commissioner.

(4) Upon receiving a report that an independent expenditure has been made or obligated, the commissioner shall ^{within 24 hours} ~~immediately~~ provide additional public money funding equal in amount to the amount of the independent expenditure to all participating candidates whom the independent expenditure is intended to oppose or defeat, as reported pursuant to subsections (2) and (3).

(5) The maximum aggregate amount of additional funding that a participating candidate may receive to match independent expenditures or excess campaign contributions of nonparticipating candidates, or both, in an election is 200% of the total amount of public money funding received by a participating candidate in that election.

(6) An individual or organization may file a complaint with the commissioner if the individual or organization believes that a statement made for the purposes of satisfying subsection (2) is false. The commissioner shall make a determination of a complaint and dispose of the matter as provided in [section 20].

NEW SECTION. Section 16. Issue advertisements -- payment of additional public money. (1) Not later than 48 hours after making or obligating an expenditure to purchase an issue advertisement, the person who makes or obligates the expenditure shall file a report with the commissioner that contains the following information:

- (a) the amount of the expenditure;
- (b) the name and address of the person making the expenditure; and
- (c) the purpose of the issue advertisement.

(2) Upon receiving a report that an issue advertisement has been made or obligated and upon determination that the advertisement can reasonably be interpreted as having the effect of promoting the defeat of a participating candidate or the election of that participating candidate's opponent, the commissioner shall ^{within 24 hours} ~~immediately~~ provide to that participating candidate additional public money funding equal in amount to the cost of the issue advertisement. The commissioner shall develop appropriate rules for the implementation of this section.

(3) As used in this section, "issue advertisement" means a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political

1 advertising:

2 (a) the purchase of which is not an independent expenditure or a contribution;

3 (b) that costs, in the aggregate, \$1,000 or more;

4 (c) that contains the name or likeness of one or more candidates;

5 (d) that is communicated during a primary election campaign period or general election campaign period;

6 and

7 (e) that recommends a position on a political issue.

8

9 **NEW SECTION. Section 17. Public money election campaign fund created -- nature and purpose**

10 **of fund.** (1) There is an account in the state special revenue fund, established in 17-2-102, to be known as the
11 public money election campaign fund.

12 (2) Revenue derived from the sources specified in [section 18] must be deposited in the account as
13 provided in that section. Interest or other income earned on the money in the account accrues to the account.

14 (3) Money in the account may be used by the commissioner only for the administration of [sections 1
15 through 24], including public money funding payments to participating candidates as provided for in [sections 1
16 through 24] and payment for any additional administrative costs incurred by the commissioner's office in
17 implementing [sections 1 through 24].

18

19 **NEW SECTION. Section 18. Sources of revenue.** (1) Money appropriated by the legislature for the
20 purposes of [sections 1 through 24] must be deposited in the public money election campaign fund.

21 (2) Other sources of revenue that must be deposited in the fund include:

22 (a) qualifying contributions paid by candidates seeking certification as participating candidates pursuant
23 to [section 10] and any qualifying contributions collected by a candidate in excess of the number necessary for
24 certification as a participating candidate;

25 (b) money distributed to a participating candidate who does not remain a candidate until the primary or
26 general election for which the money was paid by the commissioner and the money from the fund that remains
27 unused by a participating candidate following the date of the primary or general election for which that money was
28 paid;

29 (c) fines levied by the commissioner against candidates for violation of [sections 1 through 24];

30 ~~(d) donations to the fund;~~

1 **NEW SECTION. Section 23. Repayment of amounts spent in excess of public money funding.** (1)

2 If a participating candidate spends or obligates more than the public money funding that the participating
 3 candidate is paid by the commissioner ~~and if the commissioner determines that the additional amount spent or~~
 4 ~~obligated is not an amount that had or could have reasonably been expected to have a significant impact on the~~
 5 ~~election of that participating candidate~~, whether or not the participating candidate was elected, then the
 6 participating candidate shall repay to the public money fund an amount equal to the excess expenditure or
 7 obligation, as follows: ^{10 times the value of} ~~_____~~

8 ~~(a) for amounts up to 105% of the permissible amount, the excess expenditures; _____~~

9 ~~(b) for amounts between 105% and 115% of the permissible amount, twice the amount of the excess~~
 10 ~~expenditures; and _____~~

11 ~~(c) for amounts in excess of 115% of the permissible amount, five times the amount of the excess~~
 12 ~~expenditures.~~

13 (2) If a participating candidate spends or obligates more than the public money funding that the candidate
 14 is given ~~and if the additional amount spent or obligated is determined by the commissioner to be an amount that~~
 15 ~~had or could reasonably have been expected to have a significant impact on the election of that participating~~
 16 ~~candidate~~, whether or not that participating candidate was elected, then the participating candidate shall repay
 17 to the public money fund an amount equal to 10 times the value of the excess expenditure or obligation.

18

19 **NEW SECTION. Section 24. Offenses -- penalties.** (1) A participating candidate may not knowingly:

20 (a) accept more public money funding than that amount to which the participating candidate is entitled;

21 (b) spend more public money funding than the participating candidate has received from the
 22 commissioner; or

23 (c) spend public money funding for a purpose other than those purposes allowed by [section 12].

24 (2) If a violation of subsection (1) involves an amount of public money funding that had or could
 25 reasonably have been expected to have a significant impact on the election of that participating candidate,
 26 whether or not that participating candidate was elected, the participating candidate may be fined an amount up
 27 to \$25,000 or be imprisoned for a term up to 5 years, or both.

28 (3) A person who provides false information to the commissioner or conceals or withholds information
 29 from the commissioner is guilty of an offense and may be fined an amount up to \$5,000 for each violation or be
 30 imprisoned for a term up to 5 years, or both.

NEW SECTION. **Section 27. Contingent voidness.** If House Bill No. 2 is passed and approved and does not include an appropriation of at least ~~\$300,000~~ ^{\$1 million} to implement the provisions of [this act], then [this act] is void.

NEW SECTION. **Section 28. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 29. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2007.

(2) [Sections 22 and 26 through 28 and this section] are effective on passage and approval.

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